

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**:**

**v.**

**: CRIMINAL NO. GLR 15cr590**

**JEMAL KIMBLE**

**:**

**...O...**

**GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION TO MODIFY CONDITIONS OF RELEASE**

The United States of America by its attorneys, Rod. J. Rosenstein, United States Attorney for the District of Maryland and Clinton J. Fuchs, Assistant United States Attorney for said District, hereby responds to the defendant's motion for the review of his detention order.

**I. Procedural Background**

On November 12, 2015, the defendant, Jemal Kimble, was charged in a one-count indictment with possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g). The defendant had his initial appearance on December 8, 2015, and was arraigned the same day. A detention hearing was held on January 14, 2016, before Magistrate Judge Coulson. At the conclusion of that hearing, the defendant was ordered detained. The defendant now moves for a review of that order.

**II. Facts**

On June 19, 2015, at approximately 9:30 p.m., a Maryland Transit Administration (MTA) Police Officer observed a vehicle illegally parked in a bus zone in the 5500 block of Harford Road, Baltimore, Maryland. As the MTA Officer began to write a parking citation, he observed an individual later identified as the defendant, Jamal Kimble, seated in the front passenger seat of

a vehicle holding a firearm in one hand and a cell phone in the other. The MTA Officer knocked on the passenger side window of the vehicle and issued verbal commands to Kimble to put the firearm down and to remain inside the vehicle. Kimble threw the firearm through the vehicle window and stated, "Ok man, you got the gun." Kimble then crawled to the driver's side door, exited the vehicle and fled on foot. The MTA Officer retrieved the firearm which Kimble had discarded (later identified as a Para Ordnance, P12.45, .45 caliber semi-automatic pistol, bearing serial number RJ4863) and gave chase.

After a brief foot pursuit, the MTA Officer attempted to place Kimble under arrest. Kimble resisted and when he reached for the weapons in the MTA Officer's possession (the officer's service weapon and the firearm Kimble had discarded), the MTA Officer discharged his department issued service weapon, striking Kimble one time in the pelvic area. Kimble was subsequently arrested.

On November 3, 2015, investigators searched the cellphone recovered from Kimble at the time of Kimble's arrest pursuant to a search and seizure warrant issued by the Court. Upon reviewing the photographs downloaded from Kimble's cellphone, investigators observed a photograph of an individual later identified as Ronnie Thomas, lying on the ground in a pool of blood. A review of this photograph's metadata revealed that the photograph was taken on May 31, 2015, at 1:07 a.m..

A check of the records of the Baltimore Police Department indicated that on May 31, 2015, at approximately 1:12 a.m., BPD Officers responded to the 2000 Block of Belair Road, Baltimore, Maryland and found Ronnie Thomas and Kevin Hart, Jr. lying in the street suffering from multiple gunshot wounds. Thomas was transported to a nearby hospital where he was pronounced dead. Hart was pronounced dead at the scene. Investigators recovered four 9mm

shell casings and one .380 shell casing from the crime scene. Given that shell casings from different caliber weapons were recovered, investigators believe that more than one person may have been involved in the shooting of the victims.

Additionally, the Para Ordnance pistol recovered from Kimble on June 19, 2015, was examined by the firearms examination unit of the Baltimore Police Department and found to have been used in the fatal shooting of Antoine Johnson in Baltimore City on June 8, 2015.

Kimble was arrested on the federal indictment on December 8, 2015. During a post-arrest interview, Kimble admitted to taking a picture of Thomas soon after he was murdered. Kimble also explained to investigators that people in Baltimore City had to carry guns to protect themselves given the levels of violence in the community.

### **III. Argument**

The Bail Reform Act, 18 U.S.C. § 3142(e), provides that “if after a hearing...the judicial officer finds that no conditions or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.” In making that determination, § 3142(f) provides that the Court shall consider: the nature and circumstances of the offense, the weight of the evidence, the history and characteristics of the person and the nature and seriousness of the danger to any person or the community that would be posed by the person’s release.

In the case at hand, in light of the factors enumerated in § 3142, the Government believes that there are no conditions, short of detention, that will ensure the safety of the community and the defendant’s presence at trial.

First, the nature of the offense is one that poses a significant danger to public safety. The defendant has been charged with possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g). Given the level of gun violence in Baltimore City, this is clearly a serious offense and one that poses a real danger to public safety.

Second, there is significant evidence of the defendant's guilt. The defendant was observed in possession of a firearm by an MTA officer and the firearm was recovered immediately after Kimble discarded the weapon. Kimble also told investigators upon his arrest that people in Baltimore City needed to arm themselves given the levels of violence in the community.

Third, the history and characteristics of Kimble militate in favor of detention. As noted in the Pretrial Services Report, the defendant has a significant criminal history involving multiple convictions for narcotics trafficking. Moreover, Kimble has been arrested numerous times while on some form pretrial supervision. Additionally, Kimble has been linked to two recent murders in Baltimore City. As noted above, the gun Kimble possessed in the instant case was used in the June 8, 2015 murder of Antoine Johnson. Kimble was also in possession of pictures taken of Ronnie Thomas immediately after he was killed on May 31, 2015, raising the possibility that Kimble was involved or at least a witness to that murder. Finally, the Government notes that when Kimble was confronted by law enforcement in the instant case, he fled and then struggled with the police officer when the officer tried to take him into custody.

Given all of these considerations, the Government does not believe that there are any conditions, short of detention, that will ensure the presence of the defendant at trial and ensure the safety of the community. Accordingly, the defendant's motion should be denied.

Respectfully submitted,  
Rod J. Rosenstein  
United States Attorney

By: \_\_\_\_\_/s/\_\_\_\_\_

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**CERTIFICATION**

I HEREBY CERTIFY that on this 29th day of February 2016, a copy of the foregoing was filed electronically with the Clerk of the Court and by that means served upon counsel for the Defendant.

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/s/  
Clinton J. Fuchs  
Assistant United States Attorney